

Course title:	Law, Society and Politics in Comparative Perspective
Instructor:	Ellie Frazier
Email address:	kafrazie@ucsc.edu
Language of instruction:	English
Contact hours:	48 (6 per day)
ECTS credits:	5
Prerequisites:	Students should be able to speak and read English at the upper intermediate level (B2) or higher. No prior knowledge of law or social science is required; the only prerequisite is an open mind.

Course Description

This course explores theoretical and historical perspectives on the intersection of law, society and politics, and aims to foster discussion of contemporary issues among students from different cultures and disciplines. Alongside an introduction to comparative law and legal culture, we read some classical social theorists (Durkheim, Weber and Marx), and consider their relevance to contemporary debates about morality, (dis)obedience, conflict, and property. Next, we investigate the role and operation of law in totalitarian settings such as Nazi and Communist Germany, and Germany's neighbors in Europe. These historical experiences pose challenges for the eras that followed World War II (1945) and the collapse of the Communist state system in Central and Eastern Europe after 1989, as these societies and their states change in the face of altered conditions. What challenges do these historical legacies pose in states that are moving away from totalitarian and socialist systems towards a Western model that is oriented towards democracy, the rule of law, and a market economy? What are the roles of 'transitional justice' and 'memory laws'? How have these societies changed, and how do these changes affect the development and operation of law? What challenges are posed by freedom of speech and freedom of association? How has political life changed since 1945? Since 1989? How does Germany fit within Europe?

Overall, the course aims to develop skills at using theory and history to inform debates on contemporary challenges, such as multiculturalism, punishment, squatting, (illegal) downloading/streaming/file-sharing, protest, and economic development. Students not only gain substantive expertise in various socio- and politico-legal fields, but also develop communicative competence through participatory exercises, and intercultural competence through discussion with other students.

Student Profile

This course is designed for all students having an interest in social sciences – in particular, history, sociology or political science – or in law. It is conceived as an undergraduate class, but the variety of students taking this course has ranged from first-year students to post-graduate students. This experiential diversity provides unique opportunities for students to learn from one another.

Required language skills

The language of instruction is English. Language proficiency on an advanced Intermediate level (Mittelstufe II) is a prerequisite for participation. For orientation purposes, you can

assess your language skills here (Common European Framework of Reference for Languages (CEFR)):

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168045bb52>

Course Requirements

Students are expected to **attend** each class; **read** the literature assigned for each class; and **participate** in class discussions and excursions. In addition, each student must complete a writing assignment (**written protocol of 5-7 double-spaced pages**) analyzing some of the assigned readings. Finally, each student is required to take a **written final examination**.

Grading

Class attendance and participation	40%
Written protocol	25%
Final exam	35%

Readings

A digital reader will be provided.

Course Schedule

Date	Program *
Friday, January 5, 2024	<p>LAW, CUSTOM, AND PLURALISM</p> <p>What is law, and how does it differ from custom and other norms? What tensions exist between culture and law, and how can such conflicts be resolved?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u></p> <ul style="list-style-type: none"> • Introductions and Course Overview • Law, Custom, Folkways <p><u>Session 3 (14:00 - 15:30)</u></p> <ul style="list-style-type: none"> • Pluralism: Normative and Legal Conflict and Resolution
Monday, January 8, 2024	<p>COMPARING LEGAL SYSTEMS; LEGAL CULTURE</p> <p>What is a legal system? How can legal systems be compared? What are the most significant similarities and differences between legal systems? What is meant by 'legal culture'? What are the functions of courts? What is the role of lawyers?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u> <u>Session 3 (14:00 - 15:30)</u></p> <ul style="list-style-type: none"> • The 'Legal Families' Approach to Comparative Law

	<ul style="list-style-type: none"> • Socio-Legal Approaches to Comparing Legal Systems: Culture, Institutions, Actors
<p>Wednesday, January 10, 2024</p>	<p>TRADITIONAL AND CONTEMPORARY PERSPECTIVES: MORALITY, CRIME, AND PUNISHMENT</p> <p>What are the functions of law, according to Durkheim and other theorists? Why punish? Why are some countries/cultures more punitive than others?</p> <p><u>Session 1 (9:00 - 10:30)</u></p> <ul style="list-style-type: none"> • Durkheim: Morality and Functional Approaches to Law <p><u>Session 2 (11:00 - 12:30)</u> <u>Session 3 (14:00 - 15:30)</u></p> <ul style="list-style-type: none"> • Crime and Punishment; Social Control and Surveillance; Shaming
<p>Friday, January 12, 2024</p>	<p>LAW IN TOTALITARIANISM I: NAZI GERMANY</p> <p>What is fascism? What is totalitarianism? How did the Nazis seize and exercise power? What were the roles of law in Nazi Germany? What are some of the challenges that Germany (and Germans) faced after the war? How are these reflected in contemporary law and politics?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u></p> <ul style="list-style-type: none"> • Law in and after Nazi Germany <p><u>Session 3 (14:00 - 15:30)</u></p> <ul style="list-style-type: none"> • Excursion: Orte des Erinnerns im Bayerischen Viertel – Places of Remembrance in the Bavarian Quarter (Schöneberg)
<p>Monday, January 15, 2024</p>	<p>LAW'S IMPACT; WHY DO PEOPLE (DIS)OBEY THE LAW? THEORIES ABOUT DETERRENCE, AUTHORITY, LEGITIMACY, AND IDENTITY</p> <p>What is the impact of law on behavior and consciousness? Why do people obey (or disobey) the law? What are the strengths and weaknesses of different theories of compliance? What makes law legitimate? How is identity linked to law?</p>

	<p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u> <u>Session 3 (14:00 - 15:30)</u></p> <ul style="list-style-type: none"> • Law's Impact • Explaining (Dis)Obedience: The Rational Approach (Deterrence) • Explaining (Dis)Obedience: Legitimate Authority and Identity
Wednesday, January 17, 2024	<p>LAW, CONFLICT, PROPERTY</p> <p>How does law operate in society according to Marx and other conflict theorists? What functions does private property serve? What are 'the commons' and (how) should law protect them? What is the 'right to roam' and why is it controversial? How should the law respond to squatting? How do law and street art interact?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u></p> <ul style="list-style-type: none"> • Marx and "The Law on Theft of Wood" • The Conflict Theory of Law • Property: Public vs. Private Aspects of Ownership (Squatting and the Commons; Right to Roam; Street Art) <p><u>Session 3 (14:00 - 15:30)</u></p> <ul style="list-style-type: none"> • Excursion to Berlin-Hohenschönhausen Memorial (DDR/GDR political prison). NOTE: This excursion involves long travel times, in addition to a 90-minute tour.)
Friday, January 19, 2024	<p>LAW IN TOTALITARIANISM II: SOCIALIST LEGALITY AND LEGAL IDEOLOGY</p> <p>What was the role of law in the German Democratic Republic (GDR/DDR) and other state socialist settings? What does it mean to speak of law as a form of ideology?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u></p> <ul style="list-style-type: none"> • Socialist Legality and Legal Ideology <p><u>Session 3 (14:00 - 15:30)</u></p> <ul style="list-style-type: none"> • NO CLASS MEETING
Monday, January 22, 2024	<p>CONTEMPORARY ISSUES IN GERMANY AND EUROPE</p>

	<p>What challenges did European state socialist countries face after the fall of the Berlin Wall in 1989? Can we see traces of those legacies today? How does the past affect current political life?</p> <p>What is meant by ‘transitional justice’ and how is it related to the politics of memory?</p> <p>What is the ‘rule of law’ and (how) can it be created?</p> <p>What is the role of protest? What are the proper limits on freedom of speech?</p> <p>What is the relationship between law and the economy, according to Weber and other theorists? What economic challenges do societies face after state socialism?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u> <u>Session 3 (14:00 - 15:30)</u></p> <ul style="list-style-type: none"> • Law after Totalitarianism: Context and Challenges • Transitional Justice and Memory Politics • Freedom of Speech • Institutional Challenges (Rule of Law) • Economic Challenges (Law and the Market)
<p>Wednesday, January 24, 2024</p>	<p>*** <i>DEADLINE FOR WRITTEN PROTOCOL (11:00)</i> ***</p>
<p>Thursday, January 25, 2024</p>	<p>FINAL (WRITTEN) EXAMINATION (12:00 – 14:00)</p> <p>FUBiS Farewell Ceremony (<u>14:00</u>)</p>

*Please note that the schedule may need to be adjusted on the day of a field trip.